

NOT INCLUDED
IN BOUND VOLUMES

PMJ
Cleveland, OH

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 18

and

DONLEY'S, INC.	Cases 08-CD-091637
HUNT CONSTRUCTION GROUP	08-CD-091683
PRECISION ENVIRONMENTAL CO.	08-CD-091684
CONSTRUCTION EMPLOYERS ASSOCIATION	08-CD-091686
B&B WRECKING AND EXCAVATING	08-CD-091770
CLEVELAND CEMENT CONTRACTORS	08-CD-091773

and

LABORERS' INTERNATIONAL UNION OF
NORTH AMERICA, LOCAL 310

LABORERS' INTERNATIONAL UNION OF
NORTH AMERICA, LOCAL 310

and

DONLEY'S, INC.	08-CD-091643
B&B WRECKING AND EXCAVATING, INC.	08-CD-091677
CLEVELAND CEMENT CONTRACTORS, INC.	08-CD-091678
HUNT CONSTRUCTION GROUP	08-CD-091682
PRECISION ENVIRONMENTAL CO.	08-CD-091687
CONSTRUCTION EMPLOYERS ASSOCIATION	08-CD-091689

and

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 18

ORDER DENYING MOTION FOR RECONSIDERATION

On May 15, 2014, the National Labor Relations Board issued a Decision and Determination of Dispute in this proceeding, finding that employees represented by Laborers' International Union of North America, Local 310 are entitled to perform the disputed work of operating forklifts and skid steers and granting an areawide award of that work.¹ International Union of Operating Engineers, Local 18 (Operating Engineers) filed a timely Motion for Reconsideration.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

In its motion, Operating Engineers argues that the Board erred by asserting jurisdiction over the Construction Employers Association; rejecting Operating Engineers' contention that the proceeding involved a contractual work-preservation issue rather than a jurisdictional dispute; relying on statements by two Operating Engineers officials in finding reasonable cause to believe that Operating Engineers used conduct proscribed by Section 8(b)(4)(D) of the Act to enforce its claim to the disputed work; and finding that an areawide award was appropriate.

Having duly considered the matter, we find that Operating Engineers' motion fails to establish "extraordinary

¹ 360 NLRB No. 113.

circumstances" warranting reconsideration under Section
102.48(d)(1) of the Board's Rules and Regulations.

Specifically, Operating Engineers has raised no substantial
argument not previously considered by the Board. Accordingly,
we shall deny the motion.

IT IS ORDERED, therefore, that the motion is denied.

Dated, Washington, D.C. September 2, 2014.

Mark Gaston Pearce, Chairman

Philip A. Miscimarra, Member

Harry I. Johnson, III, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD